

UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND

DIANE WYCHE

Plaintiff,

V.

BY

BIERMAN, GESSING, WARD & WOOD, LLC

Defendant.

DECEMBER 15, 2011

COMPLAINT

1. Plaintiff seeks relief pursuant to the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692;
2. The Court's jurisdiction is conferred by 15 U.S.C. 1692k
3. Plaintiff is a natural person who resides in Baltimore, MD.
4. Plaintiff is a consumer within the FDCPA.
5. Defendant is a debt collector within the FDCPA.
6. Defendant is a collection law firm is engaged in the business of collecting debts in the State of Maryland with a principal place of business located at 4520 East West Highway, Suite 200, Bethesda, MD 20814.
7. The principal purpose of Defendant business is the collection of debts and Defendant regularly attempts to collect debts alleged to be due another.

FILED \_\_\_\_\_ ENTERED \_\_\_\_\_  
LODGED \_\_\_\_\_ RECEIVED \_\_\_\_\_

DEC 19 2011

AT BALTIMORE  
CLERK U.S. DISTRICT COURT  
DISTRICT OF MARYLAND

CIVIL ACTION NO

CCB11 CV3628

9. Defendant communicated with Plaintiff on or after one year before the date of this action, in connection with collection efforts with regard to Plaintiff's disputed personal debt.

10. The Defendant contacted the Plaintiff via written letter dated October 17, 2011 *see* Exhibit "1".

11. The Defendants collection letter (exhibit 1) stated "**THIS COMMUNICAITON IS FROM A DEBT COLLECTOR.**"

12. Upon receipt of the October 7, 2011 collection letter (Exhibit 1) the Plaintiff contacted The Kennedy Law Firm.

13. The Plaintiff though her counsel the undersigned drafted and faxed a letter of representation dated October 17, 2011 to the Defendant. *see* Exhibit "2" with a fax confirmation of receipt.

14. The Defendant failed to respond to the written letter of representation.

15. Plaintiff through her counsel called the Defendant on October 25, 2011 and left a voicemail message with the Defendant in which a case name, docket number, law office name and phone number was provided and requested Defendant to contact Plaintiff's counsel.

16. The Defendant failed to respond to the telephone call or voicemail message.

17. Plaintiff through her counsel called the Defendant on October 27, 2011 and spoke to a collection agent and left a message with the Defendant in which a case

name, docket number, law office name and phone number was provided and requested Defendant to contact Plaintiff's counsel.

18. The Defendant failed to respond to the telephone call or message.

19. Pursuant to the FDCPA §1692c a debt collector is prohibited from communicating with a known represented party.

20. The Defendant communicated with the Plaintiff directly after notice of the Kennedy Law Firm's representation.

21. In the collection efforts, the Defendant violated the FDCPA; inter alia, § 1692c.

WHEREFORE Plaintiff respectfully requests this Court to:

1. Award Plaintiff statutory damages pursuant to the FDCPA.
2. Award Plaintiff costs of suit and a reasonable attorney's fee.
3. Award such other and further relief as this Court may see fit.

THE PLAINTIFF

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